

REMARKS

Please cancel claims 12-25, 27, and 28 without prejudice. Claims 1 28 are currently canceled. Claims 29 to 46 have been added. New claims 29-46 roughly correspond to canceled claims 12-25, 27 and 28 with some modifications to clarify the invention and the language. Support for the new claims can be found, for example, in claims 12-25, 27, and 28 as well as on page 3, lines 8-15 and from page 3, line 27 to page 4, line 2 of the specification as filed. Reconsideration of the application is requested.

Claim Objections

Claims 19-25 and 28 stand objected to because claim 29 recites “metal hydrated” and should read “metal hydrate”. This objection has been obviated by the cancellation of claims 19-25 and 28.

§ 112 Rejections

Claims 12-25, 27 and 28 stand rejected under 35 USC § 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These rejections have been obviated by the cancellation of claims 12-25, 27, and 28.

§ 103 Rejections

Claims 12-25 stand rejected under 35 USC § 103(a) as being unpatentable over Takomi et al. (JP 11-189753) in view of Moon et al. (US 4,988,742) and as evidenced by Blance (US 3,632,412). These rejections have been obviated by the cancellation of claims 12-25. It is the Examiner’s position that Takomi teaches a multilayer adhesive tape that does not generate halogen gas, wherein the multilayer adhesive tape comprises a first adhesive layer on at least one surface of a substrate and at least a second adhesive layer that is disposed on the first adhesive layer. The Examiner asserts that Takomi further discloses that in the first adhesive layer, fire retardancy can also be further raised by adding a little metallic compounds (sic) such as aluminum hydroxide (metal hydrate). The Examiner asserts that Takomi teaches that based on 100 weight % (wt%) of acrylic polymer, 15 wt% of aluminum hydroxide was added to the

adhesive. The Examiner further states that Takomi is silent as to teaching the presence of metal hydrate in the second adhesive layer. The Examiner admits that Takomi is silent as to teaching the specific composition of [the] first and second PSA layers, in particular 40-97 parts by weight of an alkyl (meth)acrylate monomer, 60 to 99 parts by weight of an alkyl (meth)acrylate monomer, 3 to 50 parts by weight of a nitrogen-containing monomer and 1 to 20 parts by weight of a carboxyl group-containing monomer as presently claimed.

The Examiner asserts that Moon teaches an acrylic terpolymer adhesive that contains alkyl acrylate and two polar copolymerizable monomers that can include strongly polar monomer such as carboxyl group containing monomers and strongly polar monomers such as nitrogen-containing monomers. The Examiner notes emphatically that Applicant's claims do not exclude a PSA tape that has two adhesive layers wherein both adhesive layers are in contact with each other, and wherein both adhesive layers have the same composition. The Examiner is relying on Blance to equate acrylates with (meth)acrylates.

The Applicant respectfully traverses for at least the following reasons. The Examiner has not shown that Takomi in view of Moon as evidenced by Blance teaches or suggests all of the limitations of Applicant's new independent claims 29 or 37. The Examiner has admitted that Takomi is silent as to teaching the presence of metal hydrate in the second layer. Additionally the Examiner has admitted that Takomi is silent as to teaching the specific composition of the first and second PSA layers. The Applicant would also like to point out the Takomi does not teach or suggest nitrogen-containing monomers. With respect to new independent claim 29, although Takomi does teach a multilayered adhesive wherein the multilayer adhesive tape comprises a first adhesive layer on at least one surface of a substrate and at least a second adhesive layer that is disposed on the first adhesive layer and wherein the first adhesive layer can include a metal hydrate, Takomi does not teach a flame-retardant acrylic pressure-sensitive adhesive tape or sheet that includes a base material, a halogen free flame retardant-containing first pressure-sensitive adhesive layer disposed upon that base layer, having two sides and comprising a first acrylic polymer derived from an alkyl(meth)acrylate monomer and a nitrogen-containing monomer where the first pressure-sensitive adhesive includes a metal hydrate compound, and a metal hydrate-free second pressure-sensitive adhesive layer in contact with at least a portion of at least one side of the first pressure-sensitive adhesive layer and comprising a

second acrylic polymer derived from a second mixture comprising an alkyl(meth)acrylate monomer a carboxyl group-containing monomer. The same argument applies to new independent claim 37 with respect to the required acrylic polymers. According to the American Heritage College Dictionary, Third Edition, “derive” means [T]o produce or obtain (a compound) from another substance by chemical reaction.” The Examiner has not shown that Takomi teaches or suggests a first pressure-sensitive adhesive derived from a first mixture as recited in new claims 29 and 37 particularly because Takomi doesn’t teach or suggest nitrogen-containing monomers. Furthermore, since the first PSA contains an acrylic polymer derived from a different monomer combination than the acrylic polymer in the second PSA, the first PSA and the second PSA necessarily have different compositions. Since Takomi teaches layered adhesive that have different compositions then it is improper to apply Moon to Takomi to get Applicant’s claimed invention. Blance has been applied by the Examiner to equate acrylic polymers with (meth)acrylic polymers.

Thus, new independent claims 29 and 37 are novel and non-obvious over Takomi, Moon and Blance and should be in condition for allowance along with the claims that depend thereon.

The rejection of claims 27 and 28 under U.S.C. 103 (a) as purportedly being unpatentable over Takomi et al. in view of Moon et al. and as evidenced by Blance as applied to claims 12 and 19 and further in view of Akihiro et al. are obviated by the cancellation of those claims.

With the presentation of the restated new claims it is submitted that the application is in condition for allowance.

Examination and reconsideration of the application is requested.

Respectfully submitted,

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